

## THE TIMES.

EVERY MORNING, EXCEPT MONDAY.

ROANOKE PUBLISHING CO.,  
PUBLISHERS AND PROPRIETORS,  
192 CAMPBELL AVE. S.W.

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## NOVEMBER.

S	M	T	W	T	F	S
1	2	3	4	5		
6	7	8	9	10	11	12
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20	21	22	23	24	25	26
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From recent and past events, it appears to be necessary for any paper in Roanoke which lives up for the rights of the people at large to have a "fighting editor" upon its staff. The condition of political and official life which makes this necessary is a sad commentary upon our boasted civilization. Just so sure as a public servant becomes incensed at the publication of truth just so certain is it that the searchlight of investigation and truth should be flashed in that direction. The Times has at every period of its existence considered as paramount the interests of the citizens of Roanoke and at no time under the present management of this paper have we failed to do battle for what we believed to be the rights of the masses. The Times has nothing to retract for what it has published relating to the coterie of office-holders who pose as demi-gods, and it will always in the future hold up to public investigation what it believes and knows to be dereliction of duty and violation of plain law.

Out west they lynched two witnesses instead of the two criminals.

Postmaster Page, of Redwater, Tex., is retained in office because he is the father of quadruplets and twins.

Europe's continuous performance goes on. Emperor William had no sooner quieted down than Mount Vesuvius opened up.

The string which Seth Low had tied to his resignation as president of Columbia College proved a very useful article after the election.

An alderman of Syracuse in his sworn statement of his election expenses, says that he spent \$900 in "renewing old acquaintances and forming new ones."

The cruelest blow yet dealt Henry Waterson comes from the Nashville Banner, which accuses him of "taking water." And Waterson a full-blooded Kentuckian!—Cincinnati Post.

Farmers of the west will fix up, speculate, spend money, and finally mortgage their farms again in "Just the Same Old Way." The old farm without a mortgage does not seem like the same old farm.

The city authorities of Atlanta have passed an ordinance prohibiting football in that city. This relieves the State legislature of the duty of putting a check to the sport. Atlanta is bigger than Georgia.

## A PRIMITIVE PEOPLE.

Professor J. B. Hatcher, of Princeton university, who returned recently from an exploration of the interior of Patagonia, was in Washington the other day, says a correspondent of the St. Louis Globe-Democrat, for the purpose of depositing with the bureau of ethnology a collection of Patagonian relics.

His most interesting observations related to the aboriginal tribes, respecting some of which nothing was known. Of these not the least notable were the savages of the west coast who are an aquatic people, living almost entirely in open boats, which they construct with much skill out of large pieces of beech bark sawed together with sinew and flexible whalebone. Of the latter considerable quantities are thrown up along shore.

These natives feed almost exclusively on shellfish, which they pick up along shore, while the remains of an occasional seal or sea otter, cast up by the waves or killed with spears, serves to vary the monotony of the diet. Probably among no other people in the world are the actual necessities of life so few. With no constant habitation—with no place of residence that can properly be called home—they move about from one sheltered cove to another. Their occupation of any particular locality is entirely dependent upon the abundance of edible mollusks and upon the weather, which during inclement periods may render a well sheltered spot desirable as a temporary village site. On a few earthen soda in the

## Much in Little

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chest, always ready, always efficient, always satisfactory; prevent a cold or fever, cure all liver ills, sick headache, jaundice, constipation, etc. 22c. The only Pills to take with Hood's Sarsaparilla.

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SKINS ON FIRE with Eczema instantly relieved by CUTICURA REMEDIES.

bottom of the family canoe is kept constantly burning a small fire, which always seems on the point of going out. About this fire they huddle when not engaged in collecting food.

The climate is extremely cold, and fierce storms are constantly raging; yet these strange people, instead of wrapping themselves in furs, go almost naked. Some of them are clad in scraps of cheap calico, obtained by barter from the whites, which are fashioned into rude garments, the costume of the women being a loose skirt suspended from the shoulders and falling below the knees.

Others, through choice or necessity, cling to the primitive style of costume, which consists merely of a narrow girth about the loins. To this is sometimes added a piece of seal skin, held by thongs in such a way as to be readily shifted to any desired portion as a protection against the wind.

For shelter on land, notwithstanding the severe weather that prevails most of the time, these aborigines erect structures scarce worthy to be called huts, consisting of a few branches of trees.

## THE NEGRO NORTH AND SOUTH.

From the New Orleans Times-Democrat: The Northern press has been a good deal surprised by a letter from W. C. Richardson, of Bradford, one of the most prominent negroes in Pennsylvania, and a leader of his race in that State, to the New York Age, the negro organ of this country, in which he not only advises the Southern negroes to remain in the South, but the Northern ones to emigrate there as fast as they can see their way clear to do so. He gives the following reasons for his advice:

"In the South there are schools for colored children, as well as schools for white children, and the colored schools are taught by colored teachers.

"In the North colored children may get an education, may fit themselves for teachers, but there are no schools for them to teach. There are few situations in the North for educated negroes.

"My advice to the Northern negro is to go South, where character is understood and where negroes of integrity, education and ability are appreciated and respected by the better class of whites.

"I have been asked whether I intend to go South, and have answered that I do. The sober, industrious and enterprising negro has more opportunities for advancement in the South than in the North."

He further says that he intends to move South as soon as he conveniently can, and prove, practically as well as theoretically, his views as the best section of the country for the race.

These remarks are so thoroughly antagonistic to what the negroes are supposed to say that they have caused a great deal of surprise, and some of the Northern papers, the Minneapolis Tribune, for instance, have sought to combat the opinion here expressed, and to show how much better the North has treated the colored brother than we of the South have done.

"Has it not," they ask, "placed him on terms of perfect equality with the whites, and not only opened the schools to him, but the same schools as the white children go to?" This is the whole question, as other negroes besides Richardson and Booker Washington have discovered. The North offers the negroes equality, and nothing else. He enjoys his civil rights there, but has no opening for making a living. He is given every privilege except that of supporting himself—and is shut out of nearly every kind of lucrative labor. This is becoming more marked with years, and the fight for work going on in the North is crowding the negro out of nearly all trades and industries, and they are employed only as domestic servants.

There has been a very considerable emigration of negroes to the North of late, most of them being carried there by contractors to supply the places of striking whites or to secure cheaper labor; and we have not been scrupulous of this, as it has giving that section a better comprehension of the negro question. It will be strange, indeed, if while this emigration of the unskilled negro labor from the South keeps up towards the North the educated negroes of that section emigrate, as Richardson suggests, to the South.

## ANDREE NOT FOUND.

## Expedition Fitted Out by King Oscar Returns With No Tidings.

Tromsø, Tromsø Island, Norway, Nov. 22.—The steamer Victoria, which was fitted out by the governor of Tromsø, under instructions from King Oscar to search for Professor Andree, the missing aeronaut, and his party, and which left here on November 5, has returned from Spitzbergen.

She brings no news as to the whereabouts or movements of Professor Andree, although exploring parties landed ten times at various points in Danmand's Isles.

The Victoria was provisioned for eight months and carried a crew of fifteen men. Paul Bjørnø, the explorer, was one of the company. It was understood that the expedition would search Danmandsøen, Advent bay, Cape Thordsen, Prinz Karl Foreland and possibly Dane's Island, from which point Professor Andree's balloon, the Eagle, ascended in July last in his undertaking to cross the site of the north pole. According to the programme then published the Victoria on her return trip was to explore the southwestern coast of Danmandsøen.

## JONES DID NOT GET JUSTICE.

Concels the Probable Cause For So Badly Presenting the Noted Tax Case.

To the Editor of The Times: As a citizen and a reader I wish to thank you for printing the supreme court decision which is being used as the basis of all the agitation about delinquent taxes. It is in such things that a newspaper is a bulwark of the rights of the people, by telling them what their rights are and affording them an opportunity to protect themselves and their homes. Every reader of The Times got the full value of a year's subscription in those two first columns Thursday morning and it should inspire them to pay up. By that sort of evidence of appreciation public services are encouraged.

But I feel bolder now than I did about that decision. In the face of the official opinion of that august tribunal, I venture to maintain that it was not a just decision. Yet the court seems far less at fault than the lawyers. Like many other cases so unjustly concluded it appears to have been badly presented, and if the Keebler named as administrator of the Clark estate was the attorney who presented the case it would be merely poetic justice if the injured parties could successfully resort to the surety on his official bond for indemnity. Some lawyers are so bombastic as to regard their individual opinions and the potency of their learned discourses before the courts as paramount to any statute. But it has been observed that the most important persons who "go up against" obscure statutes retire with all the surface indications of the keenest chagrin and disappointment. Yet courts can only decide what is before them and they must accept as affirmed all that is not expressly denied or as denied all that is not so affirmed—excepting such statements of law or fact as are set up by presumption. But one thing about their conduct that always did and does still seem to me wrong, is the frequent, if not uniform, custom not even to apply to the cause at issue such statutes not pleaded as come within the knowledge of the court. They confine their official knowledge to the abstract doctrines of law.

Though I have never before seen the decision you printed, the sustained case upon which it is based appears far weaker than I expected to see.

In the first place, we must bear in mind that Plaintiff Keebler was an administrator. It is not stated that he was an administrator under a will. Therefore, we must assume that he was not and that there was no will to convey the real estate of Decedent Clark to his custody, and that under the law he had nothing more to do with it than I have. Farther, we must bear in mind that Mr. Clark died after the land was sold to the State, though before, by the limitation of two years under the revised section 666, it was subject to the forfeiture or penalty of resale to an individual applicant for the arrears of taxes and costs. Under the provisions of the statute itself that could not have occurred until two years from February, 1894. As this act was passed January 29, 1896, and could not have reached the parties affected by the most expeditious course of mail before February, it was in general virtually imposing penalties incurred before they were ever created. But we must also bear in mind that section 2919 of the statute of limitations was in 1888 so revised as to provide that "the period of one year from the qualification of a personal representative shall be excluded from the computation of time within which, by the operation of any statute or rule of law, it may be necessary to commence any proceeding to preserve or prevent the loss of any right or remedy." By the very highest courts it has been declared that a personal representative can have no authority to waive the rights of his decedent or any beneficiary under disabilities. To vest in him such authority would be very dangerous. It could be too easily abused. If Mr. Clark left a will and no known heirs the laws of escheat at once took charge of his land in conflict with the summary new statute, and by the "inquest of office" that law would have provided fairly and equitably to ascertain the rights of all parties at interest and dispose of the land accordingly. By the weight of official opinion this appears indispensable to vest in the State an absolute title which it could convey. As that calm and just law has "the age" on this historical new statute, "for revenue only," in a conflict between them it would seem to prevail. That law has never been repealed and its control in the case does not appear to be yet disposed of. Even the State could not consistently ignore or defy its own laws; though such a course appeared profitable. When it tells the citizen, "by these laws your property will be governed and if you avoid the penalties here stated it shall be safe," he has a right to rely upon that and the

## IT'S NO HYPNOTIC DREAM.



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State has no right by executing a flank movement, as it were, without his knowledge, to confiscate his property and trade it off under a forfeiture incurred before it was created. Therefore, article V. of the State constitution, and the statutes framed to enforce it, forbid the enactment or operation of any law to apply the penalty imposed by such an act to anything that occurred before the act became a law. Under this just provision the acts would essentially (and naturally) operate upon all penalties incurred up to the time they were respectively repealed, and the latest revision could not become operative until two years from February, 1896, when it actually became a law. Very likely the "1894" printed in the text of the act is either a clerical or typographical error for the 1896 intended.

Now, then, if Mr. Clark left no will conveying his land to the administrator he had no control of the realty, and any service upon him as to the land would be a mere matter of form, and any actual and binding service would be upon his heirs, as they were then the owners of record, subject to the penalty sought to be enforced. Yet no evidence of notice to them is shown. Lacking proper service on the heirs, the notice would appear as not served at all. If not served no vested rights were forfeited. As to the administrator, for whose benefit the statute was suspended from the day of Mr. Clark's death to the date of the qualification of such administrator and one year thereafter, it would seem that he at that time could not be made subject to such a notice, because if he was the proper person to incur the penalty his limit of exemption had not expired and could not have done so until February, 1897, and as long thereafter as there was time after the death of Mr. Clark before his administrator qualified. If not the proper person he could not and did not incur the penalty, and no putative notice served upon him worked any forfeiture or in any way affected any vested rights.

Though the court ignored that statute, vital to the cause at issue, in the language of small girls, we should "hate to think" our greatest jurists were unaware of a statute affecting causes they try at almost every term and that has been in force ten years.

Then, if the administrator had incurred no penalty he was subject to no notice, and if not subject to notice no notice has lawfully been served, "even unto this day," and no forfeiture could lawfully occur; and if he had diligently and properly protected his rights he would have spared his beneficiaries and others infinite trouble and anxiety and much expense. But it will be seen that the vital point was the notice, and he left

that out of the record altogether. Evidently he regarded it as of no consequence compared to his individual opinion of the proper construction of section 661, upon the unerring correctness of which he preferred to rely.

Due process of law is commonly supposed to be a fair opportunity to protect property and other rights under the forms of law. That is every tax-payer's dues. If he has no notice of attack he fails to get his due. On the face of these facts the owner of the Clark land seems to have been deprived of his right and property without due process of law and could probably recover in the United States supreme court. If the Virginia appellate court refuses him a new hearing.

Though the laws under which this ancient commonwealth is amply striving to govern a lot of wayward citizens and define their respective rights are not always perfectly clear, and facts frequently appear shriveled and trivial beside inflated opinions, yet both of the former, when artistically applied to the most homely contention without embellishment of the latter, have been known to loom up so massively in bold relief as to secure a very satisfactory decree.

But Lawyer Keebler is not the only one of his profession who apparently regards ordinary law and commonplace evidence as of very small consequence compared to the superior weight and force of his personal opinions to determine contentions.

"There are others." ARTHUR NAVARRE. November 20, 1897.

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WANTED.—Three unfurnished rooms for light housekeeping. State terms. Address, "Rooms," care Times office. 11 23 1w

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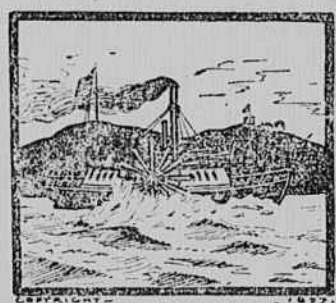
BOARDERS WANTED.—Apply to Mrs. M. A. Moseley, 620 Franklin Road s. w. 11-4-1f

BOARDERS wanted at 1235 Chapman avenue s. w. 10 22 1f

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Extra Quality Boucle Cloth Capes, longer still, and of immense sweep, double Watteau, warmly interlined and Fur trimmed, worth \$7, at \$4.98.

Plush Capes of jaunty length and very full sweep, heavy Silk lined and embroidered, Fur edge on collar and fronts, worth \$6.98, at \$4.98.

Finer Plush Capes, more elaborately embroidered, satin lined and interlined, Fur trimmed—a special bargain at \$5.98.

Seal Plush Capes, all-over braided, double Watteau back, and edged all around with Fur, \$6.98.

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